

April 14th 2018

Honorable Senior Judge Anita Brody
James A Byrne U.S. Courthouse
601 Market Street
Room 7613, Courtroom 7-B
Philadelphia, PA 19106-1717

RE: Amon Gordon, Concussion Settlement ID No [REDACTED]

Dear Judge Brody,

My name is Roxanne McCray and I am the wife of Amon C. Gordon, a retired NFL veteran. I am speaking on his behalf because emotionally this is just too much for him at this point. I would like to begin this letter by sharing how disappointing and exhausting the Concussion Settlement process has been for our family. This has been primarily due to all of the back and forth, indecisiveness, and resultant misdirection occurring of BrownGreer, in concert with my husband's claim.

Your honor, it does not make sense that over a year has passed since the confirmation of the settlement agreement and so few players have been paid; especially the Dementia claims (Total: 6 paid in almost a year). The Actuarial Reports show evident in that almost no Dementia (i.e. Level 1.5 and Level 2 Neurocognitive Impairment rating) claims have yet to be paid. Over twenty thousand (20,000) claimants registered to participate in the settlement; almost nobody has received a dollar for Dementia.

From our vantage point it seems to appear that the settlement agreement is not being upheld. Retired players/ Class Members are consistently being treated very poorly as they navigate through this minefield of a process. Quite simply, why can this process not be more inclusive for players?

Why has this process been so arduous for the players? Why is it, that it is okay for players to be portrayed as “*frauds*” and “*liars*” when the game that they played is very real the pain, the impact, injury, the attrition—are all very real? Also, why is there no mention of the six insurance companies that the NFL privately settled with, whereas this all stemmed from the \$1 billion NFL Concussion Litigation class action lawsuit?

“The insurers contended the NFL failed to properly inform players about the long-term consequences of concussions or helped to cover them up. Belson wrote, however, that the league settled with former players before reaching the discovery phase, so insurers can't point to past evidence of fraud by the NFL.” Ken Belson New York Times

If you have ever stood on the sideline and listened to the ungodly sounds of the two sides, an offensive line and defensive line coming together (Amon was a Defensive Lineman his entire NFL Career)? It could be likened to a “blender”—one of human bodies, steel and protective

plastic-all resounding with the unmistakable sounds of the extreme impact in chorus, culminated by all of the blunt forces generated by a number of the largest, most powerful men on this hemisphere-coming together- facing off to fight for every inch of real estate on the gridiron with all they have inside them, as this is how my husband provided for his family. Not realizing what was happening to his brain with each of those powerful hits, repeatedly—game after game, practice after practice, year after year until his body and brain could not take anymore.

Many players have been treated as commodities, not as men; treated as animals to be herded in the field. As animals—solely set out to perform a specific job, for however long of a shelf life “they” maintain in the business, mainly from drawing upon their own God given strength and talents. Unfortunately, only to be exploited for the grossly lopsided monetary gain of individuals whom are already billionaires—from the annual free crop of players at their disposal for generations, never having a say in much—just play—do what you’re told. All of which is very similar to this process, as well as akin to the not so great, “*Paternalistic*” societal norm once existent in our great country.

I have learned from my husband’s attorney that the Special Masters office firmly directed her to stop calling their offices, in any further efforts to inquire or even learn more of what is happening in Amon’s. What’s more is that they then referred her back to claims administrators office in the event she maintained the desire to further speak to anyone regarding his claim. Please understand that we have been provided with two (2) Monetary Award letters from Brown Greer. The first Monetary Award letter was issued on July 20th, 2017, then an extensive *audit* of my husband’s medical records ensued, along with his neurologist, Dr. Micheal Lobatz being interviewed by Brown Geer via telephone. After a five month *audit* of my husband’s claim, he finally received a second Monetary Award Letter dated December 4th 2017. The NFL then objected to payment of Amon’s claim after almost six months of waiting for payment. We have now been waiting over 10 months for payment. Why is this kind of stonewalling and lack of transparency as an example, acceptable for any player to endure, at any stage of this process?

“We have previously expressed concerns about potentially fraudulent claims and agree the appointment of a special investigator is appropriate,” said Christopher Seeger, co-lead counsel representing the players. “However, we will not allow this small number of claims to be used as an excuse by the NFL to deny payment to legitimately injured former players.” Wall Street Journal April 14th, 2018

I am certain by now, you have been made aware of all the grumblings about how erratic and overbearing BrownGreer has been with the handling of claims thus far. Although, we have heard that you do not desire to hear any motions made by any attorneys regarding their(BrownGreer’s) handling of these cases, and claims are transferred over to the special masters to make a decision? Our attorney has followed these directions and my husband has been waiting for months for a decision to be rendered on a claim that he should have been paid out back in July of 2017. Again, although he has received two separate Monetary Award letters from BrownGreer and passed an extensive audit by BrownGreer, his claim remains unpaid 10 months later.

“We submitted his pre-effective date claim for a monetary award based on a qualifying diagnosis of 1.5. The claim was submitted to the Claims Administrator. The Claims Administrator granted the award. The award was audited and subsequently the grant of the award was confirmed by Brown Greer. The NFL appealed the determination of the Claims Administrator, contending primarily that despite the Board certified neurologist’s determination of a 1.5 qualifying diagnosis, the neuropsychologist testing was not consistent with an award. The neurologist, Dr. Hopper found that Mr. Gordon’s findings were consistent with 1.5 qualifying diagnosis. The NFL disputed those findings. The Class member claimant, Mr. Gordon, submits that the award was proper and should not be disturbed. Most significantly, under the terms of the Amended Settlement Agreement, the evidence required to submit a Subclass 2 member’s claim is proof that a qualifying Board certified neurologist made a diagnosis and determination that the player qualified¹.”

Another troubling thing is that the only hearing we were able to actually see into your courtroom, to follow along with the proceedings via Live Stream, is when our class counsel stood before your honor and stated that, *“Players with diseases that have been diagnosed should receive checks within weeks after filing their paperwork.”-Chris Seeger*

Your honor, you must be fully aware that it has been a year and so few claims have been paid to date, as well as you must be fully aware of how this would make players feel. Personally, it has cast a vast shadow of doubt upon this process. Class members reading that Mr. Seeger has been approved to receive payment of over 110 million dollars and many players haven’t received a dime, quite naturally creates doubt and uncertainty among many of the class members. Our attorney Wendy Fleishman reached out to Mr. Seeger’s office on several occasions, requesting his assistance and support of my husband Amon’s unpaid claim. There hasn’t been very much support from his offices on our behalf. This happens to be why I am writing to you. I write with the hope of being granted the necessary assistance I am requesting.

In many other class action lawsuits throughout this country, any person listed as a member of the settlement class, upon approval of said settlement, is simply provided payment—case closed. Why is this case so different and still categorized as a class-action lawsuit when seemingly, the NFL appears to be fighting each class member’s claim as an individual lawsuit? I’m no attorney, but applying simple rationale, that’s not right, and is duly unjust. Why are we and our loved ones left to battle so direly throughout this process? There are provisions for the NFL Parties to object to the validity of players’ claims, simply for the sake of objecting—further depleting the resources and backlogging the docket of your court, the claims process, the workload of the Special Masters—and perpetually stringing the players along—to no avail, in a twisted act of levity, insidious ridicule and recrimination for standing up for what is right and true. What we are fighting for is true because football does cause and perpetually manifest an environment for these illnesses in players, even if the NFL will not concede to these facts. We are also smart enough to know that if they did, their brand, legacy and future revenues almost certainly would be jeopardized.

Is it fair and just, that the players are being faced with all manner of opposition for a settlement that the NFL conceded to, only to be scrutinized to the highest degree because the NFL has the power to do so? These men gave their lives to the game of football and now they suffer with a disease that very well might claim their lives way before their time. Players are committing suicide, face-planting through grocery store windows on camera, succumbing to anxiety and panic attacks in public settings daily, which places their lives in jeopardy for fears of a physically imposing individual appearing out of control, yet in reality—is affected in ways directly correlating to head trauma suffered through the game of football. I might not be able to grow old with my husband and our seven year old son might not have his father be there for him in the way a normal man under the age of fifty **would** be there for his children.

I respectfully ask your Honor and the Special Masters to see that what is happening is wrong, and the societal significance of what is, and conversely what is **not** happening. They say some societies are judged by how they treat their gladiators. Our society is clearly failing in that aspect. Yet, it doesn't have to be that way—you're a judge in one of the most powerful courts in the land, you can make a change, and you can make a difference in the lives of men who have entertained America's endless need for bone crushing hits, and free flowing aggression on the gridiron. We pray for fairness, justice and that this claims process be remediated and is no longer allowed to continue on in the way this claims process has to date. It seems that now, this process has taken on a life of its own, utilizing practices not first agreed to in good faith by all parties at the inception of this settlement agreement. I also pray for my husband as he fights daily to lead a somewhat normal life, after the game that he once loved so much has taken so much life out of him.

Sincerely,

Roxanne McCray Gordon

RE: Amon Gordon, Concussion Settlement ID [REDACTED]
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Cc: Professor Wendell Pritchett
Wendy R. Fleishman
Amon C. Gordon